



University, College and Institute Protection Program (UCIPP)

Employees' Handbook/Guide to UCIPP Coverage

2020/2021

Website: <https://www.bcucipp.org/>

Foreword

The University, College and Institute Protection Program (UCIPP) provides coverage to all member institutions against liability and loss; it also assists members in their identification and management of risks that may lead to loss or damage to property or harm to individuals.

This handbook should not be used as more than a general introduction to coverage available under UCIPP. It is not legal advice and does not modify actual coverage wordings. Not all activities or losses are covered. For specific details of coverage wordings or answers to specific questions please refer to your institution's risk management designate or a UCIPP Consultant.

If you have suggestions or would like to comment on the contents of this handbook, please call or write to:

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Introduction: Why is protection needed?

Institutions, like all organizations and individuals, are exposed to legal liabilities and loss of or damage to property. Litigation against an institution, its governors, its employees or volunteers can result from many different types of situations, such as sports injuries, slip and falls on campus, bullying and even the alleged failure to meet a student's educational needs.

Just because someone is injured during an activity or on your premises does not mean the institution is responsible or legally liable.

In addition, all property is at risk at all times; buildings, furnishings, equipment, etc. can be damaged by fire, lightning, wind, theft, water, vandalism or earthquake, or other perils

UCIPP assists institutions, their governors, their employees and volunteers to respond to legal actions filed against them which are within the scope of coverage and assists in the replacement or repair of damaged property.

1. When is Coverage Available and who is covered by UCIPP Liability Coverage?

The University College Institute Protection Program liability coverage is primarily designed to protect the institution, and its employees while performing their duties, against liability claims.

To the extent that liability arises from their authorized duties on behalf of the institution, coverage under UCIPP may also extend to include the activities of:

- Boards of Governors, Senate Members, and Foundations
- Volunteer workers
- Students under certain circumstances
- Students participating in Practicum programs
- Alumni associations (effective July 1, 2013)

a) What activities are covered?

All institution authorized activities are covered. Authorizations for different activities may be given by faculty, instructors or others, depending on the institution's policy. Individuals who are responsible for providing authorization should be familiar with and follow the institutions policies and procedures. For activities which are not part of the regular educational program, faculty/instructors/employees should ensure they have the authorization.

Institution personnel are responsible for carefully considering safety issues before planning any activity. Even if an instructor has been taking students on the same trip for many years without incident, it does not mean a trip is well planned and appropriately managed to ensure it is as safe as possible. For example, an instructor planning a canoeing trip may have 20 years of canoeing experience but may never have received formal training in water safety and may have no real ability to assess equipment requirements or emergency communications systems. We suggest that instructors who sponsor such activities ensure their knowledge is current and seek the assistance of experts if in doubt.

Questions about the appropriateness of any particular activity should be referred to the institution's risk management designate.

b) When is coverage not provided?

The liability coverage will not respond to every type of claim. These exclusions are the most common:

- job-related injuries that are covered under WorkSafeBC;
- criminal or illegal acts;
- errors and omissions arising out of professional services contracts;
- use or operation of owned or licensed automobiles.

c) Are the actions of volunteers covered under the liability coverage?

There are three commonly raised questions concerning volunteers:

1) Are the actions of volunteers performing volunteer duties on behalf of the institution covered by UCIPP?

Yes. Volunteers' actions are covered, but only while performing authorized duties.

However, not all situations that occur during institution activities will be considered part of the volunteer's approved duties.

For e.g., A student volunteers to provide a campus tour to a group of international students new to the campus. After the formal tour is completed, the volunteer and other students decide to drive to a restaurant for a meal and as a result becomes involved in an accident causing injury to a third party. Coverage will not be available because the activity was of a strictly personal nature and unrelated to the volunteer's obligations.

Volunteers should be aware that they may have some personal legal liability exposures. These exposures may be insured under the liability section of homeowners or tenants insurance policies, or under an automobile policy. Volunteers should be advised to check with their own insurance agents.

2) Are volunteer coaches, including volunteer coaches who receive an honorarium, extended coverage?

Yes, however coverage is limited to that time during which they are participating in institution activities.

3) Are volunteers provided any medical or disability benefits if injured while volunteering?

Not by UCIPP. There is no medical or disability coverage for volunteers, unless it was specifically purchased by the institution. However, if they are injured by the actions of other people, they still have the right to recover against the responsible party. If an injury is vehicle-related, ICBC should be contacted immediately. ICBC provides no-fault Accident Benefits to all parties injured in vehicle accidents in BC.

It is most important for volunteers to be advised that they are required to report all incidents to the institution's administration office or by following the procedure set by the institution. This is necessary both for purposes of guidance on required procedures in the event of an accident, and for the Incident Report process. Please refer to [Section 4](#) for details

d) Are the actions of students covered under the liability coverage?

There are four issues commonly raised concerning students:

1) Are student actions against other students covered by UCIPP?

No. Students are not extended coverage by UCIPP, unless they are performing assigned duties at the request of institution staff, e.g., giving campus tours, or acting at the specific direction of institution staff.

2) Are students covered if a claim is made against them while on a practicum placement?

Generally, yes. UCIPP covers the acts of students in the absence of a contrary agreement between the Work Experience employer and the institution.

3) Are students provided any coverage if they are injured while participating in a Work Experience/Practicum placement?

Not by UCIPP. Students on approved practicum placements in the Province of BC are deemed employees or the Crown and thus afforded WorkSafe coverage.

4) Are students provided any coverage if injured while at school?

UCIPP does not provide student accident coverage.

There may be some benefits available to a student, through a student accident insurance policy, if made available from the institution. Check with your institution on this issue.

e) Are the actions of user groups covered under the liability coverage?

User groups are not extended coverage by UCIPP.

Institutions should have formal policies regarding the use of the institution's facilities by outside groups. User groups should be advised that they do not have protection under UCIPP for their use of the facilities. The groups are legally liable for their own actions, including bodily injury to persons and any damage to institution property they or their participants may cause.

All user groups should have a written agreement with the institution regarding the use of their facilities. This agreement should have an indemnity in favour of the institution and in most cases a requirement for general liability insurance.

As outlined in the User Group Agreement, all incidents resulting in either injury or property damage, arising out of the user group's activities must be reported to the institution.

2. Automobile Use

a) What does an employee or a volunteer need to know about driving their own or a borrowed vehicle for institution activities?

UCIPP **does not** provide primary automobile liability coverage for motor vehicles either owned and licensed by the institution or used in the business of the institution. Primary vehicle liability coverage is provided by ICBC. UCIPP Excess Automobile coverage requires that a vehicle carry a minimum limit of \$1,000,000 primary automobile liability coverage on vehicles, with the exception of buses (i.e., a motor vehicle designed to carry more than ten (10) persons), which requires a minimum \$10,000,000 limit.

When an employee or authorized volunteer driver has an accident while operating an owned or borrowed licensed vehicle for an approved institution activity, UCIPP provides automobile liability coverage in excess of the owner's primary automobile liability limit (referred to as Excess Automobile Liability coverage). **The vehicle owners' automobile liability is always the primary coverage to the full extent of the limit of coverage carried.** For an additional layer of protection, UCIPP has in place with ICBC a Special Excess Third Party Liability Policy that bridges the gap that may exist between the owner's primary automobile liability limit and \$1,000,000.

As of May 1, 2021, ICBC will change to a no-fault liability model and introduce Enhanced Care. If an individual is injured in a vehicle accident while on institution business to the extent, they are not able to work, ICBC's Enhanced Care will cover their daily costs and bills by paying 90% of their net income up to \$100,00 in gross income. If the individual earns above \$100,000 and does not have any other income replacement coverage, they can buy additional optional coverage from ICBC to top up the amount of wage loss provided by ICBC's Enhanced Care benefit. However, this ICBC coverage will be secondary to any disability insurance from another insurance provider, i.e. WorkSafeBC.

With the above change, ICBC will also phase out liability coverage under its basic insurance for non-standard vehicles¹ (i.e. golf carts, 'gators', etc.) for off-highway² usage on the expiry of these insurance policies. ICBC will offer an Optional Off-Highway Third Party Liability product for non-standard vehicles. As employees and volunteers are afforded UCIPP Excess Automobility Liability coverage when using their own vehicles for the institution's business purposes, it is recommend that that employees/volunteers be encouraged to purchase "off-highway" liability coverage as the employee/volunteer will

¹ BC Legislation Bill 11 defines a non-standard vehicle as a motor vehicle that, as manufactured, does not conform to Canadian standards for motor vehicles for on-highway use, but could be licensed for limited on-highway use in BC. Some examples include forklifts, farm tractors, logging machinery, golf carts, and off-road vehicles.

² Per the BC *Motor Vehicle Act*: Highway includes (a) every highway within the meaning of the Transportation Act, (b) every road, street, lane or right of way designed or intended for or used by the general public for the passage of vehicles, and (c) every private place or passageway to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; but does not include an industrial road.

not be covered for this exposure when using a non-standard vehicle for personal use “off-highway”.

Note: The minimum limits for primary automobile liability are UCIPP requirements. Institutions should not be recommending that employees or volunteers only carry \$1,000,000 automobile liability on their vehicles as there may be many circumstances where an employee or volunteer is using their vehicle for personal use and they would not be afforded excess automobile liability coverage from UCIPP. Employees and Volunteers should place automobile liability limits on their vehicles in line with their own risk tolerance.

There are possible circumstances, which will disqualify the driver and/or vehicle owner for excess coverage under UCIPP:

- 1) Where the vehicle is used for a purpose other than what it is insured for;
- 2) When the vehicle is operated in violation of any motor vehicle regulation or section of the criminal code.

Personal belongings contained within a vehicle are not insured by ICBC or UCIPP. The driver should look to their homeowners/tenant’s insurance for this coverage.

More details and further recommendations may be found in the Vehicle Coverage Risk Note and Rental Vehicle Insurance Coverage article as available on the UCIPP website.

b) What happens if there is physical damage to an employee's or volunteer's owned or borrowed vehicle?

UCIPP does not provide any insurance for physical damage to employees' or volunteers' owned or borrowed vehicles. It is the responsibility of the vehicle owner to insure physical damage directly with an insurer.

3. What Property is covered by UCIPP Property Coverage?

All property, excluding licensed vehicles, owned by the institution, including leased, rented or borrowed property required for the provision of education services and programs and where the institution has contractually agreed to provide coverage, is covered. There are some exclusions, such as artwork and property transported outside of Canada or the United States of America. For more information please contact your risk management designate or UCIPP.

a) Is employees' personal property covered under UCIPP?

Employees' personal property (excluding vehicles), used for authorized instructional or employment purposes, is covered up to a maximum of \$3,000. but only in excess of their personal insurance coverage. This means that employees who have something stolen or damaged can only place a claim through UCIPP if:

- 1) they can show that the property was being used for instructional or employment purposes; and
- 2) if they have coverage and have first claimed upon, and exhausted, their own personal insurance.

Excluded from this coverage is money, valuables, or any other personal property except such items that are specifically used for instructional or employment purposes. For example, personal items, such as purses, wallets, or clothing are not within the scope of this coverage.

Because all property claims are subject to a \$10,000 deductible per incident, employees should review the provisions of their personal home/tenants' insurance. *It is likely that the employee is required to notify their insurer if their property is being used away from their residence and for employment purposes.* The UCIPP deductible, in combination with the maximum limit, can severely reduce any claim an employee might make. For example, an employee's computer is stolen from the staff room; here is how the claim would proceed:

- 1) Institution confirms that the computer was being used for instructional/employment purposes;
- 2) The employee checks to determine if personal insurance will cover the loss;
- 3) If the personal insurance does not respond or is not in effect, the employee makes a claim under UCIPP (Incident Report);
- 4) The employee provides proof to establish amount of the loss at \$4,000;
- 5) Maximum coverage is \$3,000 less the deductible of \$10,000, which means there is no claim.

If the claim involved the property of other employees, and perhaps also equipment owned by the institution at the same time, one single deductible would apply over the total loss, and not per employee. This would allow the institution to consider apportioning

the deductible over all parties whose property was involved, but would not affect the total maximum, coverage per employee of \$3,000.

b) Is students' personal property covered under UCIPP?

No, it is not.

c) Is Leased, rented or borrowed property covered?

Effective July 1, 2013, leased, rented or borrowed property required for the provision of education services and programs, except artwork, is covered. Please contact your risk management designate prior to taking possession of artwork, to arrange coverage under the BC Optional Property Program.

4. Reporting of Incidents/Claims

Prompt notice must be given to UCIPP of any event/incident likely to give rise to a claim and every incident of the types described below. Serious incidents should be reported immediately to UCIPP Claims by telephone (250-356-1794), email RMBClaims@gov.bc.ca or fax (250-356-0661).

If the incident has occurred after business hours, the message on the phone line will include instructions to reach an on-call claims person.

a) Reporting of Accidents/Incidents and Property Loss/Damage Claims

Report every incident of the types described below, whether it took place during school hours or not. If in doubt, call UCIPP for directions.

- 1) An injury is suffered by a student, volunteer, or visitor while on Institution property or during an institution activity;
- 2) Medical/first aid attention is required by a person during an institution activity, on or off the premises;
- 3) Loss or damage to property of others occurs with a value in excess of \$2,000; or where the owner has indicated they will make a claim;
- 4) There is any indication that a claim may be made. For example, a demand for compensation is received, there is an indication that a person has retained a lawyer, or a legal action is threatened;
- 5) Reports are also required for incidents that occur during a user group's rental of institution facilities. User group contracts should require that incidents that occur during the group's activities be reported to the institution contact/facilities personnel or security;
- 6) There is a motor vehicle accident involving injuries. Please ensure ICBC is also promptly advised;
- 7) An allegation of discrimination is made, or a claim is threatened for emotional distress, shock, or mental suffering;
- 8) Incidents resulting in damage to or loss of institution owned or leased property with a value in excess of \$10,000 (on or off premises) or where there is uncertainty around remediation costs;
- 9) Crime, theft, or burglary losses occur;
- 10) Advise UCIPP immediately if legal documents are served (i.e. a Notice of Civil Claim) or if any correspondence is received from the Human Rights Tribunal (i.e. a Human Rights Complaint).

b) Steps to Take When an Incident Occurs

When an incident happens, the following steps should be taken promptly:

All Incidents:

- Complete an Incident Report Form. **In the case of a serious incident (involving either injury to a person or property damage), do not fill in an incident report form. Instead, immediately notify the Bursar or Risk Management Designate.**
- **office and the UCIPP Claims Department by telephone (250) 356-1794, by email RMBClaims@gov.bc.ca or fax 250-356-0661.**
- Steps should be taken to secure and preserve any evidence, equipment or machinery involved in the incident. Call UCIPP for direction.

Advise the RCMP or local police if there is:

- damage to Institution property by vehicles unknown (hit and run) or suspected arson;
- theft of contents;
- vandalism to institution property.

Motor Vehicle Accidents:

- Advise both ICBC and UCIPP (as above) and if an injury is suffered also advise the RCMP or local police immediately.

PLEASE NOTE:

- **Information on the reporting form should be concise and factual. Reports should not contain opinions regarding fault or responsibility.**
- **Should you receive a request for a copy of an incident report, please call UCIPP for direction.**

5. Memorandum of Coverage and Certificates of Insurance

a) Memorandum of Coverage

On April 1, 2018, UCIPP adopted the use of a Memorandum of Coverage (MoC) that evidences that Institutions have \$5,000,000 of general liability coverage and that Additional Interest status will automatically be granted to the counterparty, if required by the contract.

This means that the Institution will no longer need to submit requests to UCIPP for Certificates of Coverage evidencing Commercial General Liability coverage of \$5,000,000 or less, and/or granting Additional Interest status to the counterparty.

The MoC is posted on the UCIPP website (<https://www.bcucipp.org/>) and is publicly available for view 24/7, subject to internet availability. Institutions are encouraged to refer counterparties to the UCIPP website as they can access the MoC and review the posted Frequently Asked Questions.

b) When should I request a Certificate of Insurance from others?

Any time you have entered into a contract, which requires the other party to carry liability insurance, including, for example, commercial user groups and service providers.

6. How do I get more information on issues not covered in this handbook?

All matters should be referred through the Institution risk management designate.

Copies of correspondence or questions should be sent to the risk management designate.

Check the UCIPP web-site: <https://www.bcucipp.org/>